

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

Crl.MC.No. 1765 of 2007()

ST.612/2006 of JUDL. FIRST CLASS MAGISTRATE IV, KOCHI

PETITIONER: ACCUSED

MR.SUDHEER V.H., PROPRIETOR,
M/S. COTTON WORLD, NEAR JOSE THEATRE,
ROUND SOUTH, THRISSUR, RESIDING AT
VALAYAKATHOU HOUSE, KRISHNA PURAM,
OLLURKARA, THRISSUR.

BY ADV. SRI.MANUEL KACHIRAMATTAM
SRI.P.PAULCHAN ANTONY

RESPONDENTS: COMPLAINANT

1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.
2. PERIMAL TEXTILES, WHOLE SALE TEXTILE
DEALERS, XL/1746, POST OFFICE LINK ROAD,
ERNAKULAM, REP. BY P.O.A.HOLDER SRI.RAMESH
KALYANJI KHONA, AGED 42, S/O KALYANJI MAYA KHONA,
M/S PARIMAL TEXTILES, RESIDING AT 8/2285, LALAN
ROAD, MATTACHERRY, COCHIN.

R2 BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

Crl.M.C.No. 1765 of 2007

Dated this the 1st day of June, 2007

ORDER

The petitioner is an accused in a prosecution under Section 138 of the N.I. Act. has not appeared before the learned Magistrate and the learned Magistrate has issued a non-bailable warrant to procure the presence of the petitioner. The petitioner is willing to surrender before the learned Magistrate. But he apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is in these circumstances he prayed that appropriate directions may be issued to the learned Magistrate under Section 482 Cr.P.C.

2. It is certainly for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the application for bail on merits, in accordance with law and expeditiously. Every court must do the

same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued by this Court in the decision in **Alice George v. Dy.S.P. of Police** (2003 (1) KLT 339).

3. This Crl.M.C. is accordingly dismissed, but subject to the above observations/directions. I may hasten to observe that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

4. Hand over copy of the order to the learned counsel for the petitioner.

(R. BASANT)
Judge

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